

without prejudice. Claims 1-3 and 5-9 are pending. No new matter is added by the amendments. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In response, applicants have amended claim 1 to provide proper antecedent basis for "other surface", "outer edges", "fibers", and "distribution zone surface". In addition, "SAP" in claim 1 has been amended to "superabsorbent polymer" for clarification. Applicants have also amended claim 1 to include the feature of claim 4, i.e., that the containment layer be sealed to at least one lateral edge of the structure. To clarify the limitation in claim 4, applicants direct the Examiner's attention to figures 1 and 2, reference number 16. The specification, as amended, describes reference number 16 as the seal location, meaning that the seal is along the lateral edges along the perimeter of the structure.

Applicants have amended claim 3 to provide proper antecedent basis for "airfelt layer" in claim 9. The amendments in claim 1 provides the appropriate antecedent basis for "distribution zone surface" in claim 5. Claim 4 has been cancelled.

In view of the foregoing amendments, the claims now comply with the requirements of § 112, and applicants submit that the rejection on this ground should be withdrawn.

Claims 1 and 2 have been rejected as anticipated under 35 U.S.C. §

102(e) by U.S. Patent No. 5,814,034 to Widlund et al. The Examiner asserts that Widlund et al. discloses use of an absorbent structure with an upper liquid acquisition layer, liquid distribution layer and a liquid storage layer, where the liquid storage layer includes superabsorbent particles. The Examiner asserts that Widlund also discloses the use of a containment layer which holds the storage layer against the distribution layer.

The rejection is respectfully traversed, and reconsideration is respectfully requested.

Widlund et al. disclose an absorbent article containing an acquisition layer, wicking layer, and storage layer. In addition, Widlund et al. include top and bottom sheets, which together comprise an encapsulating unit. However, applicants submit that "sheets 12 and 13 have parts which extend beyond the absorbent body 11 and the sheets are joined together at these protruding parts." (See '034 patent, col. 9, lines 12-15.) In the presently claimed invention, the containment layer is sealed to the absorbent structure. (See page 5, lines 18-27.) Nowhere in Widlund et al. are the sheets sealed in any way to the absorbent structure. Therefore, amended claim 1, and dependent claim 2, is not be anticipated by Widlund et al.

Claims 1 and 3-8 stand rejected as anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,988,344 to Reising et al. With respect to claim 1, the Examiner contends that Reising et al. disclose use of an absorbent article with the use of an upper fibrous layer which has an acquisition layer, a distribution layer, and lower

storage layer which has superabsorbent particles, as well as a containment layer that holds the storage layer against the distribution layer.

The rejection is respectfully traversed, and reconsideration is respectfully requested.

Applicants submit that Reising provides for an absorbent article with a containment layer which contains the storage layer in its entirety. (See '344 patent, reference number 60 in figures 4, 6, and 9.) In addition, Reising also has a backsheet and topsheet similar to that of Widlund et al. -- that is, they extend beyond the structure and adhere to each other at the periphery. Applicants respectfully submit that it is these sheets which hold the storage layer against the distribution layer, not the containment layer. The containment layer (reference number 60 in figures 3, 4, 6, and 9) wraps around the storage layer (reference number 52) in its entirety and is spray-glued to the storage layer. (See '344 patent, col. 19, lines 33-49.) However, the containment layer does not hold the storage layer against the distribution layer. In the presently claimed invention, the containment layer is attached only at the lateral edges of the structure, and is positioned adjacent a single side of the storage layer. This unique positioning holds the storage layer against the distribution layer while allowing for sufficient volume for the storage layer and SAP to swell without constraint. Therefore, the presently claimed invention of claim 1 and dependent claim 3 are structurally different from Reising, and Reising does not anticipate these claims.

With respect to claims 4-7, applicants submit that the claimed invention

does not contain the adhering containment layer in Reising. Rather, the presently claimed invention seals the containment layer to the perimeter, or lateral edges, of the structure, not around the entire plane of the storage layer as in Reising. As discussed above, the presently claimed invention adheres the containment layer only at the periphery to allow the storage layer and SAP to swell without constraint. Furthermore, Reising does not adhere to the distribution layer, as claimed in the present invention. Therefore, the present claims are not anticipated.

With respect to claim 8, applicants have properly amended claim 8 to depend from claim 7. Therefore, applicants submit that the rejection of claim 8 should be withdrawn.

Claim 9 is rejected as being unpatentable under 35 U.S.C. § 103(a) by Reising in view of U.S. Patent No. 5,460,622 to Dragoo et al. The Examiner states that Reising fails to disclose lightly bonded airfelt material, but contends that Dragoo et al. discloses a storage layer that is bonded. The Examiner contends that it would have been obvious to one skilled in the art to have Reising's storage core bonded as in Dragoo, to add integrity to the storage core.

The rejection is respectfully traversed, and reconsideration is respectfully requested.

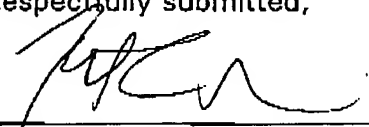
As presented above, applicants submit that Reising does not have the same structure as the presently claimed invention, and that claim 9 is patentable for the same reasons set forth above. Adding a bonded core, as in Dragoo, would not

have made the invention obvious. Reising lacks the bonded core as it is fully encased in a containment layer, which would not allow for greater swelling that a denser, bonded core might provide. Claim 9 of the present invention, with the unique peripheral positioning of the containment layer, allows for a lightly bonded core without constriction upon swelling. Therefore, it would not have been obvious to use a bonded core in Reising to arrive at the same invention.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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Docket No. 1313/1E290-US2
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PATENT TRADEMARK OFFICE

Docket No: 1313/1E290-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James WESTPHAL; John P. ERSPAMER; Shiu-Kang Laurence LI

Serial No.: 09/~~327,703~~ 719, 338~~2A~~

Art Unit: 3761

Confirmation No.: 7143

Filed: June 8, 1999

Examiner: J. Webb

For: UNITARY ABSORBENT STRUCTURE CONTAINING SUPERABSORBENT POLYMER

MARK UP TO RESPONSE TO OFFICIAL ACTIONIN THE SPECIFICATION:

At page 5, lines 18-20:

The seal 16 is provided at such locations which will form the lateral edges of the absorbent core during converting.

IN THE CLAIMS:

1. A unitary absorbent structure, comprising:
an upper fibrous layer having a liquid acquisition zone extending to one surface and a liquid distribution zone extending to [the] another surface;
a lower fibrous liquid storage layer in liquid communication with the distribution zone surface of said upper layer, said storage layer including [SAP] superabsorbent polymer particles; and
a containment layer surrounding the storage layer and extending to [the] outer edges of said structure, said containment layer containing [the] fibers and superabsorbent polymer [SAP] particles of said storage layer against a [the] distribution zone surface of the upper layer, and wherein the containment layer is sealed to at least one lateral edge of said structure.
3. The structure of claim 1 wherein said lower storage layer is an airfelt layer.
8. The structure of claim 7 [1] wherein said thermoplastic film is selected from the group consisting of polyethylene and polypropylene.